

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

R.M.S. TITANIC, INC.,  
successor-in-interest to  
Titanic Ventures, limited partnership,  
Plaintiff,

v.

Civil Action No. 2:93cv902

THE WRECKED AND ABANDONED VESSEL, et al  
Defendant.

**PLAINTIFF R.M.S. TITANIC, INC.'S MOTION  
FOR EXTENSION OF TIME TO FILE PERIODIC REPORT**

COMES NOW Plaintiff R.M.S. Titanic, Inc. ("RMST"), by counsel and pursuant to Fed. R. Civ. P. 6(b)(1)(A), respectfully moves this Court for an extension of time to file its Periodic Report to the Court concerning its funding plan for an expedition to the Titanic wreck site pursuant to this Court's Opinion on May 18, 2020. ECF No. 612. In support, RMST states as follows:

1. In light of the impediments that RMST has faced concerning its planning of the expedition to recover the Marconi wireless apparatus and associated artifacts (the "Marconi Artifacts"), as detailed below, RMST requests a brief extension of time to file its Periodic Report.

2. On May 18, 2020, the Court issued its Opinion granting RMST's Motion to Amend or Modify the Court's July 28, 2000 Order regarding RMST's request to recover the Marconi Artifacts. ECF No. 612.

3. In the Opinion, the Court directed RMST to file with the Court a "funding plan detailing the costs and funding sources of the recovery operation and the conservation of any

recovered artifacts” during an expedition intended to take place in August and September 2020. Opinion, at \*14.

4. In the period since the Court issued its Opinion, RMST has been working diligently to secure the expertise and funding necessary to conduct the expedition to recover the Marconi Artifacts.

5. RMST, however, has experienced a number of road blocks in its planning process as a result of NOAA’s actions and the Covid-19 pandemic that require an additional period of time up to and including July 1, 2020 to resolve so that it can prepare its report to the Court.

6. Even before its recent flurry of filings in this Court to intervene in the litigation, NOAA had taken steps outside of court to impede any expedition to recover the Marconi artifacts. Decl. of B. Hunchak, ¶¶ 5, 8, attached as Exhibit A [hereinafter “Hunchak Decl.”].

7. RMST has already documented in Court filings the circumstances surrounding John Broadwater’s abrupt withdrawal from the case. ECF Nos. 607 and 609; *see also* Hunchak Decl., ¶ 6.

8. Additionally, NOAA has used similar tactics with other members of RMST’s expert team, threatening to end its affiliation with at least one additional expert, whose professional relationship with NOAA is vital to his career. Hunchak Decl., ¶ 7. Using its financial pull in the relatively limited field of undersea exploration, NOAA indicated that it would no longer work with certain personnel on a future NOAA project, if they assisted RMST in its expedition to the recover the Marconi Artifacts. *Id.*

9. The cumulative affect of NOAA’s behind-the-scenes activity has been detrimental for RMST’s ability to obtain funding. RMST seeks this brief extension to resolve these issues with potential funding partners and its team.

10. The Covid-19 pandemic has also created logistical issues that require additional time to resolve. Hunchak Decl., ¶ 9. Because RMST must depart from a European site, the restrictions on international travel for RMST's United States-based team resulting from the Covid-19 pandemic pose unique issues that need to be addressed in any operational and funding plan.

11. Accordingly, RMST respectfully requests a thirteen-day extension to July 1, 2020 to file its Periodic Report.

12. Pursuant to Local Rule 7(F)(2)(b), no separate brief in support of this motion is required.

WHEREFORE, RMST respectfully requests that this Motion be granted and that the Court enter the attached proposed Order.

Respectfully submitted,

**RMS TITANIC, INC.**

By Counsel:

/s/

Ryan V.P. Dougherty, VSB # 78444  
Brian A. Wainger, VSB #38476  
William R. Poynter, VSB #48672  
KALEO LEGAL  
4456 Corporation Lane, Suite 135  
Virginia Beach, VA 23462  
Tel: (757) 965-6804  
Fax: (757) 304-6175  
E-mail: rdougherty@kaleolegal.com  
E-Mail: bwainger@kaleolegal.com  
E-mail: wpoynter@kaleolegal.com

David G. Barger, VSB #21652  
GREENBERG TRAURIG, LLP  
1750 Tysons Boulevard, Suite 1000  
McLean, Virginia 22102  
Tel: (703) 749-1300  
Fax: (703) 749-1301  
Email: Bargerd@gtlaw.com

*Counsel for R.M.S. Titanic, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 18, 2020, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/  
Ryan V.P. Dougherty, VSB # 78444  
Brian A. Wainger, VSB #38476  
William R. Poynter, VSB #48672  
KALEO LEGAL  
4456 Corporation Lane, Suite 135  
Virginia Beach, VA 23462  
Tel: (757) 965-6804  
Fax: (757) 304-6175  
E-mail: rdougherty@kaleolegal.com  
E-Mail: bwainger@kaleolegal.com  
E-mail: wpoynter@kaleolegal.com

*Counsel for R.M.S. Titanic, Inc.*